Terry Tamminen
Secretary for Environmental Protection

California Regional Water Quality Control Board

Los Angeles Region

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Arnold Schwarzenegger
Governor

Mr. Aziz Elattar
Caltrans District 7
Division of Environmental Planning
120 S. Spring St.
Los Angeles, CA 90012

"AFTER THE FACT" WATER QUALITY CERTIFICATION FOR PROPOSED VEN-118/ALAMOS CANYON CULVERT CLEARING PROJECT (Corps' Project No. 2004-00766-MDC), ALAMOS CANYON CREEK, CITY OF SIMI VALLEY, VENTURA COUNTY (File No. 04-053)

Dear Mr. Elattar:

Regional Board staff has reviewed your request on behalf of Caltrans District 7 for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on May 13, 2004.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this certification in accordance with the California Water Code. This certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this certification action, please contact Ms. Parvaneh Khayat, Section 401 Program, at (213) 576-5733.

[ORIGINAL SIGNED BY] June 22, 2004

Dennis A. Dickerson
Executive Officer

Date

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ATTACHMENT A

Project Information
File No. 04-053

1. Applicant:

Caltrans District 7
Division of Environmental Planning
120 S. Spring St.
Los Angeles, CA 90012

Phone: (213) 897-0686 Fax: (213) 897-0685

2. Applicant's Agent:

Karl Price
120 S. Spring St.
Los Angeles, CA 90012

Phone: (213) 897-1839 Fax: (213) 897-0685

3. Project Name: Ven-118/Alamos Canyon culvert clearing project

4. Project Location: City of Simi Valley, Ventura County

Longitude: 118° 48' 33"; Latitude: 34° 17' 30"

5. Type of Project: Culvert Clearing – vegetation and sediment removal

6. Project Description:

Purpose

The purpose of this project is to remove accumulated sediment and vegetation from upstream, downstream and inside the culvert to maximize the culvert's capacity to pass high storm (water/sediment/debris) flows.

Description

A portion of the vegetation removal and excavation activities for the project have been completed, by the applicant, as follows:

Culvert outlet – downstream
The Alamos Canyon culvert is a conduit for water traveling down Alamos Canyon to the Arroyo Simi. This large watershed was severely burned during the fires last October 2003 and large quantities of water and sediment are expected to flow through the culvert during heavy rains. The culvert needs to restore its original design condition to maximize capacity and its ability to handle the additional flow.

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This culvert has been poorly maintained over the years and is currently about 50% blocked with sediment. Sediment is approximately five feet deep at the culvert outlet and extending several hundred feet downstream. Numerous natural willow trees have grown in the accumulated sediment. The trees and sediment have been removed using excavators, backhoes, loaders and dozers. An area of approximately 14,516 sq.ft. has already been cleared of vegetation and partially cleared sediment. This area extends 152 feet downstream form the headwall and is 151 feet across at its widest point.

The ACOE issued a Cease and Desist Order on March 4, 2004 to Caltrans District 7 for failing to obtain the appropriate agency permits prior to beginning the vegetation removal and excavation work discussed above.

The following activities have yet to be completed by the Applicant:

Culvert inlet – upstream
The objective in the upstream area is to reduce the potential for large debris (trees, boulders) to enter the culvert's capacity or block the inlet. The following actions are proposed to accomplish this:

1. Trees (arroyo willow) at the edge of or overhanging the apron will be trimmed/removed by hand (chainsaw) to prevent them from becoming dislodged and washing into the culvert during heavy rains. At this time it is believed that two (2) trees will be removed, two (2) trees will be cut back to near ground level (just above the re-sprouts) and six (6) trees will have large branches removed. These numbers were reached via consensus between Caltrans and DFG and are not expected to change.

2. A debris rack will be installed around the concrete apron to catch large debris before it can reach the culvert inlet. The rack will consist of steel posts, approximately 3 feet on center, set in concrete. For the installation, a trench will be dug that will be filled with concrete to hold the posts. The concrete will be buried and will not be visible after construction. One row of posts will be located 2 feet upstream from the end of the AC apron. The path leading back to the freeway embankment (the

rocks on either side of the headwall) will be slightly curved.

On the western side of the apron the posts will be placed behind the existing trees (the trees will be between the posts and the apron). This will require that several branches (mostly dead) be removed. This will avoid more severe damage to the trees but will require that a small corner (about 100 sq.ft.) of a wetland area (containing sedges) be disturbed.

An excavator will be used to dig the trenches for the posts. The path will be a total of 144' long by 12' wide.

Access to the work area will be mostly via an existing paved road that runs through Alamos Canyon. A path will need to be cut from where the road ends to the work area, a distance of about 145 feet. An adjacent 30' x 30' area will be used for equipment maneuvering. This access will traverse through mostly open area but will require that a few willows be trimmed or cut above ground level. A few additional burnt/dead trees in the area immediately surrounding the access path will be cut near ground level to prevent them from breaking off and washing down toward the culvert inlet during a heavy storm.

Culvert

This culvert consists of two barrels; each one is 816; long and 9.5' diameter. The capacity of the right barrel (when facing downstream) has been reduced by about 40% due to the build up of sediment. The left barrel capacity has been reduced by about 50%. The objective is to remove the accumulated sediment.

This will be done by using a drag line apparatus. This utilizes a cable that is passed through the barrel of the culvert and anchored to pulleys at each end (the pulleys will be attached to temporary support beams). Buckets that are attached to the cable will be dragged through the culvert, in an upstream to downstream direction, to scoop up the sediment. The sediment will then be dumped near the culvert outlet so it can be moved offsite.

Downstream Area

The purpose for the work in the downstream area is to open a path for water flow that is designed in a way that enhances sediment transport rather than aggradation and sediment build-up. This will

also reduce (but not eliminate) the need for future maintenance. The following activities are proposed:

1. An area of approximately 14,516 sq.ft. has already been cleared of vegetation and partially cleared of sediment. This area extends 152 feet downstream from the headwall and is 151 feet across at its widest point. A new energy dissipater, constructed of ungrouted rock, will be installed within a portion of this area. This will be done by excavating the 1 to 2 ton rock used in the original construction, filling in the area to achieve the appropriate grade, and then reinstalling the rock. The new energy dissipater will extend 60 feet downstream of the concrete apron. From there it will taper down until it joins an existing stream path 152 feet from the headwall.

2. The existing stream channel will be deepened (it has been buried by years of accumulated sediment) to provide sufficient gradient to facilitate self-cleaning of the structure during storms of Q2 and Q5 magnitude. This modification will extend approximately 500 feet downstream from the end of the area that has already been cleared and will roughly follow the curving path the existing channel. The width of the channel will be about 10 feet at the base; this will match the typical width of the channel downstream. The slope on each side will be approximately 2:1, but this will be adjusted in some areas to protect existing vegetation where possible. The width at the top of the banks will vary based on the depth of the cut but will be about 22 feet on average.

3. Access to the stream will be via a 25-foot wide path from the existing dirt road. This will be located about mid-way along the length of the channel.

4. A rock berm will be placed on either side of the energy dissipater. This berm will be approximately 4 feet high, 10 feet wide, and have 2:1 slopes.

5. An earthen/rock access path will be installed from the adjacent upland area into the energy dissipater to provide for future maintenance access.

6. A rock cutoff wall at the end of the apron will be extended to a

depth of 8 to 10 feet to protect against advancing headcuts.

7. The soil removed from the stream will be spread over the adjacent upland area and hydroseeded with native upland species.

7. Federal Agency/Permit:	U.S. Army Corps of Engineers NWP No. 3, 16, 33 (Permit No. 2004-00766-MDC)
8. Other Required Regulatory Approvals:	California Department of Fish and Game Streambed Alteration Agreement
9. California Environmental Quality Act (CEQA) Compliance:	Emergency Action - necessary to prevent or mitigate an emergency. NOE not filed.
10. Receiving Water:	Alamos Canyon Creek, a Tributary to Calleguas Creek Watershed (Hydrologic Unit No. 403.62)
11. Designated Beneficial Uses:	MUN*, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, COLD, WILD *Conditional
12. Impacted Waters of the United States:	<u>Upstream Area</u> Federal jurisdictional wetlands: 0.0997 permanent acres [4,344 sq.ft.] <u>Downstream Area</u> Federal jurisdictional wetlands: 0.6049 permanent acres [26,350 sq.ft.] Total Impacts from project activities **0.7046 permanent acres**
13. Dredge Volume:	Inlet side: 55 cubic meters Outlet side: 5500 cubic meters
14. Related Projects Implemented/to be Implemented by the Applicant:	The scope of the current proposal has been limited in order to expedite the permit process. Later this summer an additional proposal will be submitted for a larger scale project to increase the area cleared both upstream and downstream of the culvert.

ATTACHMENT A

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15. Avoidance/ Minimization Activities:

The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:

Culvert Inlet – Upstream

- The area to be disturbed, including the number of trees, will be kept to the minimum needed to do the work;
- A single access path will be used to enter and exit the work area. Silt fencing will be installed along the edge of this path to indicate the limits of the impact area;
- A pre-disturbance survey for nesting birds will be conducted no more than 5 days prior to the start of work. The resource agencies will be notified if nesting birds are observed so that an appropriate course of action can be determined; and
- A biological monitor will be on site at the beginning of work and almost daily thereafter until work is completed.

Culvert

- Standard water quality BMPs, such as diverting the water away from the work area will be used.

Downstream Area

- Water will be diverted into a secondary low flow channel away from the work area;
- A single 25-foot wide path will be used to allow equipment/excavator access to the creek;
- A pre-disturbance survey for nesting birds will be conducted no more than 5 days prior to the start of work. The resource agencies will be notified if nesting birds are observed so that an appropriate course of action can be determined; and
- A biological monitor will be on site at the beginning of work and almost daily thereafter until work is completed.

16. Proposed Compensatory Mitigation:

Revegetation

Caltrans proposes to revegetate portions of the culvert outlet area where it will not interfere with the future operation of the culvert. Enhancement planting/seeding will also be done in some areas disturbed by the recent fire but not by this project.

- Area 1 – Seed from early successional and understory species will be hand broadcast in this area to assist with the post-fire recovery. The species to be used are: blackberry; stinging nettle; and mulefat.

- Area 2 – The same species listed in Area 1 will be hand broadcast or hydroseeded here. In addition, arroyo willow (20' on center) and mulefat (5' on center) cuttings will be planted.

- Area 3 – This area will be hydroseeded with sage scrub species: deerweed; California buckwheat; purple sage; and encelia.

Mitigation

Off-site mitigation is also proposed to compensate for project impacts to state and federal wetlands. Because work was begun prior to obtaining the necessary resource agency permits, a 10:1 ratio is proposed. This will be accomplished by an in-lieu-fee transfer of money to a local conservancy for the restoration/enhancement of **7.046** acres of state/federal wetlands.

17. Required Compensatory Mitigation:

See Attachment B Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.

ATTACHMENT B

Conditions of Certification
File No. 04-053

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).

2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State**.

2. The Applicant and all contractors employed by the Applicant shall have copies of this certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times so they are familiar with all conditions set forth.

3. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.

4. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the state.

5. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.

6. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.

7. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.

8. Application of pesticides must be done by a certified applicator and compounds used must be appropriate to the target species and habitat. All pesticides directed to species that are located in water must be permitted through the Regional Board. The Applicant is hereby required to comply with all applicable conditions of State Water Resources Control Board Water Quality Order No. 2001-12-DWQ and Order No. 2004-0009-DWQ.

9. The Applicant shall not conduct any maintenance activities within waters of the state during a rainfall event, or at any period when site conditions would lead to excessive erosion. If any maintenance activities are to be held within five (5) days of a predicted rainfall event, the Applicant shall stage materials necessary to prevent water degradation on site, and shall ensure that all stabilization procedures are completed prior to the rainfall event.

10. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during all maintenance activities where clearing involves areas to be partially cleared (i.e. some vegetation is to remain in the same reach or in an adjacent reach). The biologist shall be available on site during maintenance activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.

11. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.

12. All maintenance activities not included in this certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional certification action.

13. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

14. The Applicant shall restore all areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the state. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.

15. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed permanent impacts to **0.7046 acres** of vegetation within waters of the United States/Federal

jurisdictional wetlands by creating or restoring riparian habitat/Federal jurisdictional wetland habitat at a minimum 10:1 area replacement ratio (**7.046** acres). As an alternative, the Applicant may provide adequate funding to a third party organization for the creation or restoration of a total of **7.046** acres of riparian habitat within waters of the United States/Federal jurisdictional wetlands. The mitigation site shall be located within the Calleguas Creek Watershed to the extent feasible unless otherwise approved by this Regional Board. The boundary of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude. This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States and shall include copies of any agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.

16. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** by **May 1st** of each year for a minimum period of **five (5) years** after planting or until mitigation success has been achieved. The report shall describe in detail all of the maintenance activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. This report shall include as a minimum, the following documentation:

    (a) Color photo documentation of the pre- and post-project and mitigation site conditions;

    (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;

    (c) The overall status of project including a detailed schedule of work;

    (d) Copies of all permits revised as required in Additional Condition 1;

    (e) Discussion of any monitoring activities and exotic plant control efforts; and

    (f) A certified statement from the permittee or his/her representative that all conditions of this Certification have been met.

17. All applications, reports, or information submitted to the Regional Board shall be signed:

    (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates;

    (b) For a partnership, by a general partner;

    (c) For a sole proprietorship, by the proprietor;

(d) For a municipal, state, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee; and

(e) A certified statement from the permittee or his/her representative that all conditions of this certification have been met shall be submitted once their project has been completed.

18. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

"I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the _____ day of _____ at _____.

_____ (Signature)
_____ (Title)"

19. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **04-053**. Submittals shall be sent to the attention of the Nonpoint Source Unit.

20. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.

21. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Ventura County and co-permittees under NPDES No. CAS004002 and Waste Discharge Requirements Order No. 00-108. This includes the Stormwater Quality Urban Impact Mitigation Plan (SQUIMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 99-08-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.

22. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.

23. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

24. *Enforcement:*

    (a) In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.

    (b) In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

    (c) In response to any violation of the conditions of this certification, the SWRCB or RWQCB may add to or modify the conditions of this certification as appropriate to ensure compliance.

25. This certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this certification if renewal is requested.